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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,003	11/30/2001	Craig A. Rosen	PA003P1	7261
22195	7590	11/05/2003	EXAMINER	
HUMAN GENOME SCIENCES INC 9410 KEY WEST AVENUE ROCKVILLE, MD 20850			CHAKRABARTI, ARUN K	
			ART UNIT	PAPER NUMBER
			1634	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 09/997,003

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DETAILED ACTION

UNITED STATES DEPARTMENT OF COMMERCE

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Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/997,003	11/30/01	Rosen	01886-071001

EXAMINER	
CHAKRABARTI, ARUN K	
ART UNIT	PAPER NUMBER
1634	1103

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

1. The applicant has added new claims 25-40, corresponding to Group II, and has canceled claims 1 and 3-24. The communication filed on October 28, 2003, is non-responsive to the prior Office action because it fails to comply with the Election/Restriction requirement under 35 U.S.C. 121 which requires the election of

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a single Group and single disclosed species even though this requirement is traversed. Specifically, claim 2 was not canceled, which belongs to polynucleotides corresponding to Group I, in response to the restriction requirement in the office action mailed to the applicant on September 29, 2003. Claim 2 does not recite and belong to elected isolated protein of Group II. One particular Group must be selected. Moreover, applicant's response is confusing and erroneous as on the REMARKS section, page 6, lines 1-3, applicant mentions, "Applicant have canceled claims 1 and 2-24 without prejudice or disclaimer and added new claims 25-40. Accordingly, upon entry of the present amendment, original claim 2 and new claims 25-40 will be pending". This is self-contradictory statement. How a canceled claim 2 can be pending? In addition, it is pointed out by the applicant in "Amendments to the claims" (page 3) that original claim 2 is pending, which in turn is dependent on canceled claim 1. This amendment is meaningless and vague. Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a TIME LIMIT of ONE MONTH from the date of this letter or within the time remaining in the response period of the last Office action, whichever is longer. Applicant may elect to either extend the period for response set in the last office action up to a maximum of SIX MONTHS or to extend from this ONE MONTH limit under 37 CFR 1.136 (a) or (b) up to SIX MONTHS from the mailing date of this letter.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun Chakrabarti, Ph.D. whose telephone number is (703) 306-5818.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (703) 308-1119.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Chantae Dessau whose telephone number is (703) 605-1237.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission via the P.T.O. Fax Center located in Crystal Mall 1. The CM1 Fax Center numbers for Technology Center 1600 are either (703) 305-3014 or (703) 308-4242. Please note that the faxing of such papers must conform with the Notice to Comply published in the Official Gazette, 1096 OG 30 (November 15, 1989).



ARUN K. CHAKRABARTI
PATENT EXAMINER

Arun Chakrabarti

Patent Examiner

Art Unit 1634

November 3, 2003



GARY BENZION, PH.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600